

REMARKS

Summary

Claims 1, 2, 4-14, 16-22 and 24-28 stand in this application. Claims 3, 15 and 23 have been canceled without prejudice. Claims 1, 4, 10, 16, 21 and 24 have been amended. Support for the current amendments can be found at least at page 11, lines 5-12 of Applicant's Specification. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 4, 10, 16, 21 and 24 in order to facilitate prosecution on the merits.

Claim Objections

At page 2, paragraph 3 of the Office Action claims 4, 16 and 24 are objected to because of informalities. Applicant respectfully submits that claims 4, 16 and 24 have been amended in accordance with the instructions in the Office Action. Therefore, Applicant respectfully requests removal of these claim objections.

35 U.S.C. § 103

At page 3, paragraph 5 of the Office Action claims 1, 2, 4-14, 16-22 and 24-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vander Veen in view of Cowart – Mastering Windows 95 – The Windows 95 Bible (“Cowart”). Applicant

respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1, 2, 4-14, 16-22 and 24-28. Therefore claims 1, 2, 4-14, 16-22 and 24-28 define over Vander Veen and Cowart whether taken alone or in combination. For example, claim 1 recites the following language, in relevant part:

a display screen that is configurable between a first viewable physical size configuration and a second, larger, viewable physical size configuration for displaying on-screen icons representing said common plurality of functions wherein said on-screen icons comprise respective

text corresponding to said common plurality of functions, the first viewable physical size configuration displays a first set of on-screen icons and the second viewable physical size configuration displays a second, larger, set of on-screen icons that includes said first set of on-screen icons.

As correctly noted in the Office Action, the above-recited language is not disclosed by Vander Veen. According to the Office Action, the missing language is disclosed by Cowart at pages 355 and 358-359. Applicant respectfully disagrees.

Applicant respectfully submits that Cowart fails to teach, suggest or disclose the missing language. Cowart at the given cites, arguably, teaches changing the screen resolution of a useable interface area or replacing one monitor with a separate, larger monitor to change the viewable area. By way of contrast, the claimed subject matter teaches “a display screen that is configurable between a first viewable physical size configuration and a second, larger, viewable physical size configuration for displaying on-screen icons” such that “the first viewable physical size configuration displays a first set of on-screen icons and the second viewable physical size configuration displays a second, larger, set of on-screen icons that includes said first set of on-screen icons” Applicant respectfully submits that this is different than the above recited teaching of Cowart.

Applicant respectfully submits that changing the resolution of a screen, as arguably taught by Cowart, is different than a display screen that is extendable between two different viewable physical size configurations such that the first viewable physical size configuration displays a first set of on-screen icons and the second viewable physical size configuration displays a second, larger, set of on-screen icons that includes said first

set of on-screen icons as recited in claim 1. In Cowart, the actual viewable size of the screen does not change physically. Regardless of the resolution settings, the viewable physical size of the display stays the same. Further, the number of on-screen icons does not dynamically change with the viewable size of the screen. Rather, a user can merely change the resolution of the screen. Moreover, Applicant respectfully submits that replacing one monitor with another monitor to alter the viewable area, as also arguably taught by Cowart, is different than the above recited language of claim 1. Applicant respectfully submits that claim 1 teaches the use of one display screen to achieve two viewable physical size configurations. In contrast, Cowart, arguably, teaches the use of multiple display screens to achieve different sized viewable areas. Therefore, Cowart fails to disclose, teach or suggest the missing language. Consequently, Vander Veen and Cowart, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, removal of the obviousness rejection with respect to claim 1 is respectfully requested. Claims 2 and 4-9 also are non-obvious and patentable over Vander Veen and Cowart, taken alone or in combination, at least on the basis of their dependency from claim 1. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

Claims 10 and 21 have been amended to recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 10 and 21 are not obvious and are patentable over Vander Veen and Cowart, taken alone or in combination, for

reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 10 and 21. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 11-14, 16-20, 22, and 24-28 that depend from claims 10 and 21 respectively, and therefore contain additional features that further distinguish these claims from Vander Veen and Cowart.

For at least the reasons given above, claims 1, 2, 4-14, 16-22 and 24-28 are non-obvious and represent patentable subject matter in view of the cited references, whether taken alone or in combination. Accordingly, removal of the obviousness rejection with respect to claims 1, 2, 4-14, 16-22 and 24-28 is respectfully requested. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1, 2, 4-14, 16-22 and 24-28 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Appl. No. 10/616,108
Response Dated September 20, 2007
Reply to Office Action of July 20, 2007

Docket No.: 1070P3823
Examiner: Tan, Alvin H.
TC/A.U. 2173

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC

A handwritten signature in black ink, appearing to read 'John F. Kacvinsky', written over a horizontal line.

John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: September 20, 2007

4500 Brooktree Road, Suite 102
Wexford, PA 15090
(724) 933-5529